

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 912 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

TRIBHOVANBHAI ROOPABHAI

Versus

STATE OF GUJARAT

Appearance:

MR PH PATHAK for Petitioners
MR KT DAVE, AGP for Respondents

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 16/06/2000

ORAL JUDGEMENT

Although there is only one individual petitioner being petitioner No.1 i.e. Tribhovan Rupabhai Makvana, petitioner No. 2 is Ahmedabad Saher Jaher Bandhakam Majoor Mandal, a union which is also representing the case of 12 other employees whose names are mentioned at Sr. Nos. 1 to 12 in Annexure "A" to the petition as under :-

1. Mathur Laxmanbhai Parmar
2. Vashrambhai Rupabhai

3. Talshibhai Bhimabhai
4. Gandabhai Bhanabhai
5. Joitabhai Bhurabhai
6. Gidhabhai Bhurabhai
7. Shakuben Joitabhai
8. Budhabhai Gafurbhai
9. Subaben Budhabhai
10. Charturbhai Bhalabhai
11. Hiruben Keshavbhai
12. Samuben Shankarbhai

The petitioners were appointed at daily wagers between 1973 and 1978. They filed this petition for a writ of mandamus to direct the respondents, the State Government and the Executive Engineer in the Public Works Department to treat all the above employees as regular employees and to direct the authorities to give them salaries and allowances in the regular pay scale on that basis.

2. There is no affidavit in reply. However, Mr KT Dave, learned AGP appearing for the respondents relying on the letter dated 12.6.1997 from the Deputy Executive Engineer, R&B Sub Division, Kheda to the Government Solicitors, has stated that during pendency of this petition, the Government has issued resolution dated 17.10.1988 giving certain benefits to the daily wager employees depending on the length of service put in by them. Neither the learned counsel for the petitioners nor the learned AGP are in the position to state as to whether the above mentioned 13 employees have been given the benefits or not.

It is, therefore, directed that if such benefits are not given to the above mentioned 13 persons by now, the same shall be given to them as expeditiously as possible and in any case within two months from the date of receipt of a certified copy of this order or the writ of this Court, whichever is earlier.

3. The petition is accordingly disposed of in terms of the aforesaid direction.

Rule is made partly absolute. There shall be no order as to costs.

Liberty to apply in case of difficulty.

June 16, 20000 (M.S. Shah, J.)
sundar/-